

Assembly Bill No. 74

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

Passed the Senate September 8, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 486 to the Food and Agricultural Code, and to add Section 11000.10 to the Government Code, relating to public events.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, Ma. Public event action plans and cooperative agreements for agricultural inspector services.

Existing law generally authorizes state agencies, including district agricultural associations, to allow private individuals or corporations to hold events on state property.

This bill would require any state agency that seeks to hold an event with an expected attendance level over a specified amount on property that is either owned or operated by a state agency to, prior to the event, conduct a threat assessment that addresses specified topics. This bill would also require that if the state agency determines, based on the facts presented to it in the assessment, that there is a strong probability that loss of life or harm to the participants could occur, then the state agency must require the promoter to prepare an event action plan that includes specified information. This bill would also require the state agency to approve the event action plan before the promoter may hold the event. This bill would authorize the state agency to charge the promoter a fee that does not exceed the reasonable costs to the state agency to prepare the threat assessment, or to review the event action plan. This bill would exempt certain events from these requirements, including an annual fair within the network of California fairs if the primary purpose of the event is to exhibit or promote the state's agriculture, livestock, or industrial or natural resources through exhibits, vendors, or other educational programming.

Prior law, which was repealed on July 26, 2011, prohibited the Secretary of Food and Agriculture, for the 2006–07 fiscal year, from entering into a cooperative agreement with the County of Los Angeles for agricultural inspector services if the agreement required that the county provide year-round services unless not less than 66% of the agricultural inspectors not afforded protections

as permanent employees employed by the county providing year-round services under the cooperative agreement were afforded protections as permanent employees under the county's civil service or other personnel system.

This bill would enact a similar provision and make it operative indefinitely.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as either the Concert and Music Festival Safety Act or Sasha's Law.

SEC. 2. Section 486 is added to the Food and Agricultural Code, to read:

486. Notwithstanding Section 482, the secretary may not enter into a cooperative agreement with a county of the first class, as defined in Section 28020 of the Government Code, for agricultural inspector services if the cooperative agreement requires that the county provide year-round services, unless not less than 66 percent of the agricultural inspector aides not afforded protections as permanent employees employed under the cooperative agreement are afforded protections as permanent employees under the county's civil service or other personnel system.

SEC. 3. Section 11000.10 is added to the Government Code, to read:

11000.10. (a) (1) Any state agency, including, but not limited to, a district agricultural association, or a joint powers agency that includes a district agricultural association, that seeks to hold an event with an expected attendance level over 10,000 participants on property that is either owned or operated by a state agency shall, at a normally scheduled meeting, and at least 30 days prior to the event date, assess the threat of loss of life or harm to participants that the event poses. The assessment shall consider, among others, all of the following topics:

- (A) Prior events held by the promoter.
- (B) Prior events held at the facility.
- (C) Similar types of events in general.
- (D) The potential need for law enforcement.
- (E) The potential need for onsite medical care.
- (F) The potential for drug use and distribution.

(2) If the state agency determines that, based on the facts presented to it in the assessment, there is a strong probability that loss of life or harm to the participants could occur, then the state agency shall require the promoter to prepare an event action plan. The promoter shall not hold the event until the state agency approves the event action plan. The event action plan shall address all of the following:

(A) Health and safety concerns, including, but not limited to, whether the promoter should provide free water, whether the promoter should prohibit any person under 18 years of age from attending the event, whether the promoter should provide onsite medical care, adequacy of ventilation, attendance capacity, and exit signs.

(B) Law enforcement concerns, including, but not limited to, a reasonable ratio of peace officers or security guards to event attendees, and mechanisms for the control of drug use and drug trafficking.

(C) The potential need for supplying educational pamphlets, or other relevant emergency materials, including, but not limited to, first aid, to help alleviate any risk posed by the event.

(D) Notwithstanding subparagraphs (A) to (C), inclusive, if the event is a performance that by its nature places the performers at risk, including, but not limited to, rodeos and monster truck rallies, then the event action plan is not required to address that risk.

(3) The state agency may charge the promoter a fee that does not exceed the reasonable costs to the state agency to prepare the threat assessment pursuant to paragraph (1), or to review the event action plan pursuant to paragraph (2).

(b) This section shall not apply to the following types of events:

(1) An event held at a fair that has adopted the Department of Food and Agriculture's "Contract Policy and Recommended Best Practices for Contracting by California Fairgrounds."

(2) An event regulated pursuant to Chapter 3 (commencing with Section 27200) of Division 6 of Title 4 of Part 6 of the Penal Code.

(3) An event that is an annual fair within the network of California fairs, as described in Division 3 (commencing with Section 3001) of the Food and Agricultural Code, if the primary purpose of the event is to exhibit or promote the state's agriculture, livestock, or industrial or natural resources through exhibits, vendors, or other educational programming.

(c) For purposes of this section, “promoter” means the individual, association, corporation, partnership, or other organization that arranges, holds, organizes, or otherwise conducts the event. In no circumstance shall the state or a state agency be considered a promoter.

Approved _____, 2011

Governor